

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF RHODE ISLAND**

INSTRUCTIONS RE: LOSS MITIGATION PROGRAM AND PROCEDURES

General Order 10-003

I. Effective Date, Chapters Affected, Eligibility, and Deadlines:

1. Effective Date: November 1, 2009, amended April 1, 2010; third amendment effective August 23, 2010

2. Chapters Affected: 7, 11, 12 or 13

3. Eligibility: Individual debtors with real property used as a principal residence

4. Deadlines:

(A). Initiation of Loss Mitigation (LM): Debtor or Creditor may initiate loss mitigation at any time during the pendency of the case by filing a Notice and/or Request for Loss Mitigation (Amended Form A or Form B). *See, Section V of LM Program.*

(B). Opportunity to Object: A Creditor has fourteen (14) days to object to LM. A Debtor has seven (7) days to object to LM.

(C). Other Deadlines: Upon entry of a Loss Mitigation Order, the remaining deadlines – for designating contact persons; initial contact; document production requests; conducting the LM sessions; and filing status reports with the Court – will be set forth in the LM Order.

II. New Events – All Located Under new “Loss Mitigation” Events Category in Bankruptcy Menu:

1. Loss Mitigation Notice/Request: To be used by either Debtor or Creditor. Sets a LossMit Flag in the case to notify parties that LM is in effect.

2. Loss Mitigation Contact Information: To be used by either Debtor or Creditor to provide contact information for participating in LM.

3. Loss Mitigation Status Report: To be used to update the Court on status of the LM process.

4. Loss Mitigation Request for Continuance: To be used when additional time is needed to complete LM process.

5. Objection to Loss Mitigation Request: To be used when filing an objection to a LM request.

6. Motion to Compel Compliance with LM Order: To be used when seeking to compel compliance with the LM Order.

7. Motion to Approve LM Agreement: To be used for court approval of a loss mitigation settlement agreement.

8. Chapter 13 Plan Event to be modified (Located Under “Plan”): To include selection box indicating whether LM is being requested in the Plan document. Selection of LM in the Plan will also set the LossMit Flag in CM/ECF.

III. New Forms:

1. Notice and/or Request for Loss Mitigation-By the Debtor (Amended Form A): To be filed by Debtor and served on the Creditor to request LM, or within 7 days of indicating such interest in the Chapter 13 Plan.

2. Request for Loss Mitigation-By the Creditor (Form B): To be filed by Creditor and served on Debtor to request LM.

3. Loss Mitigation Order (Amended Form C): Form of order to be used by the Court to commence LM between the parties once the objection period expires or any filed objection is overruled.

- **The party initiating a LM request must prepare a proposed LM Order using the court’s PDF fillable form (the status report date will be filled in by the court).** The order and deadlines contained therein inform the lender of anticipated time frames involved and helps to gain involvement in the process.
- **The proposed order shall be filed as an attachment to the Notice/Request in ECF, and served with the Notice/Request on the Creditor.**

4. Proposed Loan Modification (Form D): To be filed with all Motions to Approve Loan Modification.

IV. New Clerk’s Office Form: Order extending LM period and continuing status report date. This order will also reflect that in Chapter 13 cases, the confirmation hearing will also be continued to a date after the last day of the loss mitigation period, and any motion for relief from stay between the LM parties is also continued to that date.

V. New Flag:

1. LossMit Flag: Will be automatically set by filing of either: (1) Chapter 13 Plan indicating LM interest; or (2) Notice and/or Request for Loss Mitigation. Visual aid to notify parties that LM is in effect.

VI. Website Enhancements:

1. A Loss Mitigation Page has been added to the Court's website, located on the left vertical column and includes links to the General Order and Loss Mitigation Program and Procedures document, the new forms and instructions, and FAQ's and Best Practices.

2. Links to the Government sponsored Loss Mitigation Programs (Making Homes Affordable) materials and the Home Affordable Modification Plan (HAMP) website will be included on the Court's new LM Page, including the HAMP document checklist.

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